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**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of Drawings includes changes to Fig. 5. This sheet, which includes Fig. 5, replaces the original sheet including Fig. 5.

Attachment: Replacement Sheet.

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#### REMARKS/ARGUMENTS

Claims 1-12 and 14-28 are pending in this application. The Examiner has withdrawn claims 11-13, 17, 18, 26, and 27 from consideration. By this Amendment, Applicants AMEND the Specification, the Abstract of the Disclosure, the Drawings, and claims 1, 3, 10, 14 19, 20 and 28, and CANCEL claim 13.

Applicant's counsel greatly appreciates the courtesies extended by the Examiner in the personal interview of February 3, 2005. In the personal interview, Applicant's counsel and the Examiner discussed possible claim amendments and the differences between the applied prior art and the possible claim amendments.

Applicants also greatly appreciate the allowance of claims 3-10 and 14-16 by the Examiner. In addition, Applicants greatly appreciate the Examiner's indication that claims 2 and 20-23 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

The Examiner indicated that claim 17 was generic in the Election of Species Requirement issued on September 27, 2004. However, the Examiner withdrew claim 17 from consideration in the outstanding Office Action. Applicants respectfully request that the Examiner clearly explain his position on claim 17 and why claim 17 was withdrawn from consideration.

Applicants also affirm election of claims 1-10, 14-16, 19-25, and 28. MPEP § 806.04(d) states that a generic claim:

- (a) should read on all the species; AND
- (b) cannot include features not present in each of the added species claims.

By definition, an independent claim is generic to all of its dependent claims. Thus, Applicants respectfully submit that claim 19 is generic to claim 26 because claim 26 depends upon claim 19. Accordingly, Applicants respectfully request that the Examiner consider and allow withdrawn claim 26 when generic claim 19 is allowed.

Further, Applicants reserve the right to file a Divisional Application to pursue withdrawn claims 11-13, 17, 18, 26, and 27.

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Applicants note that claims 10, 14, and 20 have been amended to correct minor informalities contained therein.

The Examiner objected to the Drawings for allegedly failing to include reference symbols **108** and **114**. Applicants have amended **Fig. 5** to replace reference symbol **106** with reference symbol **108** because reference symbol **106** was not used in the Specification. The originally filed Specification used two reference numbers **114** and **116** to indicate the rod part of the big end **104**. Applicants have amended the Specification to only use reference number **116** to indicate the rod part of the big end **104** because this reference number is used in the Drawings. Accordingly, Applicants respectfully request reconsideration and withdrawal of these objections to the Drawings.

The Examiner rejected claims 1, 19, 24, 25, and 28 under 35 U.S.C. §102(b) as being anticipated by JP 58-037311. The Examiner refers to '371 in the first line of the body of the rejection. Applicants have assumed that this is incorrect and that the Examiner intended to use '311. Further, Applicants request that the Examiner provide a Notice of References Cited, Form PTO-892, to cite JP 58-037311 in the next Office Action. Applicants respectfully traverse the rejection of claims 1, 19, 24, 25, and 28.

Claim 1 has been amended to recite:

A method of forming a connecting rod, comprising:  
providing a connecting rod blank having:  
a rod section disposed between a big end and a small end;  
and  
the big end having a first hole generally sized to receive a crankpin of a crankshaft and at least a second hole generally sized to receive a bolt, the axes of the first and second holes being generally normal to each other, the big end also having a dividing plane that extends through both the first and second holes;  
hardening at least the big end to a sufficient depth such that at least a first region of the big end, which lies between the first and second holes at the dividing plane, is hardened while leaving a second region of the big end generally unhardened, where **the second region continuously surrounds the second hole except for the region around the dividing plane between the first hole and the second hole;**  
controlling at least a process hardening parameter so as to produce

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a hardened surface layer of a predetermined depth that is greater than one half of a smallest wall thickness between the walls of the first hole and the second hole; and

splitting the big end along the dividing plane to produce a rod part fracture surface and a cap part fracture surface. (emphasis added)

Claim 19 has been amended to recite:

A connecting rod, comprising:

a small end;

a big end including a rod part and a cap part separable from the rod part, the rod and cap parts having mating faces; and

a rod connecting the rod part of the big end to the small end;

wherein

each of the mating faces includes:

an outer perimeter and a void; and

a first surface portion comprising material that is hardened and a second surface portion comprising material that is generally unhardened, where the first surface portion at least extends between the void and a portion of the outer perimeter, and where **the second surface portion continuously and substantially extends around the void.** (emphasis added)

Applicants' claim 1 recites the feature of "the second region continuously surrounds the second hole except for the region around the dividing plane between the first hole and the second hole." Applicants' claim 19 recites the feature of "the second surface portion continuously and substantially extends around the void."

With the improved features of claims 1 and 19, Applicants have been able to provide a method of forming a connecting rod that is relatively inexpensive, that maintains the circularity of the surfaces forming the crankpin hole, and that provides fracture split surfaces that are free of double fractures and that are sufficiently rough for accurate and repeatable alignment between the rod and cap parts (see, for example, paragraph no. [0006] of the originally filed Specification).

Applicants have amended claim 1 to recite the feature of "the second region continuously surrounds the second hole except for the region around the dividing plane between the first hole and the second hole" and have amended claim 19 to recite the

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feature of "the second surface portion continuously and substantially extends around the void."

**Figs. 3, 7, and 9** of JP 58-037311 clearly show that low hardness portions **17** and **18** are not contiguous. As seen in these Figures of JP 58-03731, the low hardness portions are only located at portions **17** and **18**, and these portions are clearly spaced from each other and are not in any way connected or close to each other. Thus, JP 58-037311 clearly fails to teach or suggest a continuous, unhardened portion that substantially surrounds the bolt hole **14**. Thus, JP 58-037311 clearly fails to teach or suggest the feature of "the second region continuously surrounds the second hole except for the region around the dividing plane between the first hole and the second hole" as recited in Applicants' claim 1 or the feature of "the second surface portion continuously and substantially extends around the void" as recited in Applicants' claim 19.

For the convenience of the Examiner, Applicants have provided herewith an English language translation of JP 58-037311.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 19 under 35 U.S.C. §102(b) as being anticipated by JP 58-037311.

Accordingly, Applicants respectfully submit that none of the prior art of record, applied alone or in combination, teaches or suggests the unique combination and arrangement of elements recited in Applicants' claims 1 and 19. Claims 2 and 20-25 depend upon claims 1 and 19 and are therefore allowable for at least the reasons that claims 1 and 19 are allowable. The Examiner has allowed claims 3-10 and 14-16.

As noted above, claim 26 depends from claim 19 and thus, claim 26 should be rejoined and allowed along with claim 19.

With respect to claim 28, Applicants have amended claim 28 to recite the feature of "a ratio of an elongate fracture surface area to the sum of the elongate fracture surface area and a grain boundary fracture surface area between about 0.3 and about

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0.7" as recited in allowed claim 14. Applicants respectfully submit that claim 28 is allowable for at least the same reasons that claim 14 is allowable.

Thus, Applicants respectfully submit that claims 1-10, 14-16, 19-26 and 28 are allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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